

November 2, 2004 General Election

Candidacy Requirements For Mayor City of Richmond

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INTRODUCTION

This bulletin and all required forms are available on our web site:

<http://www.sbe.state.va.us/Election/Candidates/Bulletins/Default.html>

Each document is explained in Item VI on Pages 3 and 4 herein.

Filing deadlines and the officer with whom the qualifying forms are filed are addressed herein.

Your particular attention is called to Item III on Page 1. This section addresses advertising and campaign material identification.

Should you have questions relating to your candidacy, please do not hesitate to call us. Our toll-free number is 800-552-9745. You also can reach us at 804-864-8901.

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I. MAYOR

The General Assembly at its 2004 Session enacted legislation amending the Richmond City Charter. Chapter 898 was signed by the Governor on April 15. The provisions of § 3.01.1 of the charter and the deadlines imposed for circulating and filing petitions and other qualifying documents become effective on July 1, 2004. All other charter provisions become effective January 1, 2005.

This election may be held only if the U. S. Department of Justice interposes no objection to this legislation under the provisions of the Voting Rights Act, and the letter imposing no objection is received in time to permit the preparation and printing of ballots within the time frame required by Title 24.2, Virginia Election Laws.

II. ELECTION DISTRICT - The election district is the City of Richmond.

III. ADVERTISING AND CAMPAIGN MATERIALS

The Campaign Finance Disclosure Act imposes certain requirements relating to advertising and identification of campaign ads and materials, including sample ballots.

Refer to Chapter 7 the *Summary of the Campaign Finance Disclosure Act* (CFDA) published by the State Board of Elections for specific requirements. If you have questions on the Act, please call our toll-free line and ask for the Campaign Finance Division.

The following additional information is provided for your information:

A. Sample Ballots

Any **sample** of a paper or voting machine **ballot** must contain the words **SAMPLE BALLOT**, the appropriate statement required by the Campaign Finance Disclosure Act and, in addition, must:

- (1) contain the words **SAMPLE BALLOT** in not less than 24 point type; and
- (2) if a **paper ballot**, be printed on paper of a color **other than white**.

B. Posting

Campaign materials may **NOT** be posted on any state-owned right of way [see Page 2 herein]. Contact your City Manager to determine whether local ordinances prohibit or restrict the posting of campaign materials.

Effective July 1, 2004, no locality shall have the authority to prohibit the display of political campaign signs on **private property** if the signs are in compliance with zoning and right-of-way restrictions applicable to temporary nonpolitical signs and if the signs have been posted with the permission of the owner of the property.
[§ 15.2-109 of the Code of Virginia]

C. Violations

If you believe any election law has been violated and you have facts concerning the violation, you should report those facts in writing to the Commonwealth's Attorney in the county or city in which the violation happened.

Violations of state-owned right of way restrictions should be reported to your regional Virginia Department of Transportation office.

IV. VDOT INFORMATION

A “clean” campaign is a sign of the times



Don't “trash” your print budget or throw away volunteer time.

HIGHWAY WORKERS ARE REQUIRED BY LAW TO REMOVE POSTERS AND FLYERS ON SIGNS, GUARDRAILS - OR ANYWHERE ELSE ON STATE-OWNED RIGHT OF WAY. CAMPAIGN PRINT MATERIALS ARE TOO EXPENSIVE TO WIND UP IN THE BACK OF A VDOT TRUCK. AND VOLUNTEER TIME IS TOO VALUABLE TO BE WASTED ON PUTTING UP MATERIALS THAT ARE DESTINED TO COME DOWN.



Don't make highway workers “play politics” on the job.

PICKING UP POLITICAL MATERIALS IS A COSTLY ACTIVITY FOR VDOT. BUT THE COST TO THE CANDIDATE COULD BE EVEN HIGHER. VOTERS DON'T LIKE TO SEE THEIR TAX DOLLARS SUPPORTING SUCH ACTIVITIES. THEY EXPECT TO SEE HIGHWAY WORKERS PATCHING POTHOLES, FILLING LOW SHOULDERS, OR MOWING GRASS.



Don't let campaign materials turn into litter.

MANY VOTERS VOLUNTEER THEIR TIME TO CLEAN UP ROADSIDES IN VDOT'S “ADOPT-A-HIGHWAY” PROGRAM. AFTER SPENDING SEVERAL BACK-BREAKING HOURS BENDING OVER TO PICK UP POLITICAL POSTERS, THEY WON'T FEEL TOO KINDLY TOWARDS THE NAMES AND FACES THAT THEY SEE OVER AND OVER AGAIN.



Don't get “stuck” by bumper stickers.

ONE LITTLE BUMPER STICKER CAN CAUSE A LOT OF EXPENSE. IF APPLIED TO A ROADSIDE SIGN, THE STICKY RESIDUE IS ALMOST IMPOSSIBLE TO REMOVE. THE SIGN MAY HAVE TO BE REPLACED ENTIRELY. THE LARGE GREEN HIGHWAY SIGNS, FOR EXAMPLE, CAN COST UP TO \$800. EVEN A HUMBLE STOP SIGN COSTS MORE THAN \$50. DON'T RISK ALIENATING VOTERS BY DESTROYING THE VERY SIGNS THAT THEIR TAX DOLLARS HAVE PAID FOR.



Don't risk your candidate's image.

IT IS ILLEGAL TO PLACE POLITICAL SIGNS ON STATE-OWNED RIGHT OF WAY. YOU WANT CITIZENS TO VIEW YOUR CANDIDATE AS A LAWMAKER - NOT A LAW-BREAKER.



Don't risk someone's life.

ONE MISPLACED SIGN AT AN INTERSECTION COULD BLOCK A MOTORIST'S VISION - AND COST SOMEONE HIS LIFE. THAT'S WHY VDOT TRAFFIC ENGINEERS REVIEW THE PLACEMENT AND POSITION OF EACH HIGHWAY SIGN TO ENSURE SAFETY - AND TO MINIMIZE “VISUAL CLUTTER”. UNDERSTANDABLY, CAMPAIGN VOLUNTEERS ARE THINKING ABOUT VICTORY - NOT SAFETY. AND THAT COULD POSE A DEADLY PROBLEM.

DO put signs, posters, and other campaign materials anywhere you want on private property with the owner's permission, of course. And because political signs and posters located off the right of way aren't considered “outdoor advertising”, you won't even need a permit.

VDOT - call your local Virginia Department of Transportation office for details.

V. QUALIFICATIONS TO BE A CANDIDATE

A candidate must be:

- g Qualified to vote for and hold the office sought;
- g A resident of the Commonwealth for one year immediately preceding the election; and
- g A resident of the City of Richmond by the time of filing.

VI. DOCUMENTS REQUIRED TO BE FILED

A candidate must file certain documents in order to qualify to appear on the ballot. Each form is described below. An explanation of who is required to file each item also is provided. Each document can be downloaded from our website:

<http://www.sbe.state.va.us/Election/Candidates/Forms>

A. Statement of Organization for a CANDIDATE

This document is prepared and distributed by the State Board of Elections. **All** candidates for this office are required to file this form. Any individual serving as campaign treasurer must be a qualified voter of the Commonwealth. A candidate may serve as his own treasurer.

For further details, see **Starting A Campaign Committee** in the *Summary of the Campaign Finance Disclosure Act* published by the State Board of Elections and also found on our website:

http://www.sbe.state.va.us/Campaign_Finance

B. Certificate of Candidate Qualification

This document is prepared and distributed by the State Board of Elections. **All** candidates are required to file this form.

C. Declaration of Candidacy

This document is prepared and distributed by the State Board of Elections. **All** candidates must file this form. It must be filed **at the same time** as the petitions.

VI. DOCUMENTS REQUIRED TO BE FILED (continued)

D. Petition of Qualified Voters

This document is prepared and distributed by the State Board of Elections. Petitions containing at least the number of signatures required for this office must be filed **together with** the *Declaration of Candidacy*. Petitions must be filed by **all** candidates for Mayor.

Petitions **cannot be circulated** until **July 1, 2004**.

1. Petition Circulator

Petitions can be circulated by either the candidate or another person who is either registered, or eligible to be registered, to vote in the City of Richmond.

The person circulating the petition must affirm before a notary or other person authorized to administer oaths, that he **personally witnessed** the affixing of the signatures. Falsely taking this affidavit is a felony under Virginia law. The petition **NEVER** can be left unattended, i.e., left on the counter at a grocery store, restaurant, etc..

2. Number of Signatures Required

Petitions must contain the signatures of at least **500** qualified voters of the City of Richmond, including at least **50** from **each** of the City's 9 city council districts.

The State Board recommends that a candidate get at least half again the number of signatures required to assure that enough signers are qualified voters.

E. Statement of Economic Interests

This document is prepared by the Secretary of the Commonwealth and should be available from the Clerk of the City Council. It is required to be filed by **all** candidates for Mayor as the City of Richmond's population exceeds 3,500.

VII. FILING DEADLINE AND WHERE TO FILE

For An Independent (Non-Party) Candidate

Items 1 and 2 listed below **must be received** by the *General Registrar* by the filing deadline. Postmarks are acceptable **only** for *Items 3 and 4* and **only** if they are mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded by the office with which the forms are filed.

REQUIRED FORMS	WHERE TO FILE	FILING DEADLINE
*1. Declaration of Candidacy *2. Petitions of Qualified Voters *3. Statement of Economic Interests *4. Certificate of Candidate Qualification	General Registrar of the City of Richmond	7:00 p.m. 8/2/2004
*5. Statement of Organization for a Candidate**	Electoral Board of the City of Richmond at the office of the General Registrar	7:00 p.m. 8/2/2004

See http://www.sbe.state.va.us/Election/Candidates/Bulletins/local-offices/DOS_DONTS1_GE.pdf for:

[**DO'S AND DONT'S FOR A GENERAL OR SPECIAL ELECTION**](#)

and

See http://www.sbe.state.va.us/Election/Candidates/Bulletins/local-offices/DOS_DONTS2G.pdf for:

[**GUIDELINES FOR POLLWORKERS AND AUTHORIZED REPRESENTATIVES**](#)

Provide this information to any person who will either serve as your representative inside the polls or work for you outside the polls on election day.

**Any person who fails to file all the required forms by the above deadline
MAY NOT have his name printed on the General Election ballot.**

*Refer to Pages 3 and 4 herein for details.

** The failure to file the Statement of Organization for a Candidate is not cause for disqualification. However, you are subject to penalties required by the Campaign Finance Disclosure Act.

VIII. NOTICE OF DEFICIENCIES IN DECLARATION OR PETITIONS

An independent [non-party] candidate may request notification of any problems with his filing that can be corrected **before** the filing deadline. This request **must be in writing** as required by § 24.2-505 of the *Code of Virginia*.

This letter must be addressed to the Secretary of the Electoral Board of the City of Richmond. It must accompany the declaration of candidacy and the petitions filed with the General Registrar.

The written request **does not guarantee** timely response. Certain factors, such as the number of filings, may affect the electoral board's ability to comply with the request. It is suggested that documents be filed **at least ten [10] working days before the filing deadline** if this notice is requested.

IX. OTHER REQUIRED REPORTS

All candidates must file *pre-election* and *post-election* Reports of Campaign Contributions and Expenditures. These reports are filed **only** with the Electoral Board of the City of Richmond.

See http://www.sbe.state.va.us/Campaign_Finance for Summary of Virginia's Campaign Finance Disclosure Act, reporting and exemption forms and reporting schedules.

No certificate of election can be issued to any successful candidate who fails to file the required reports.

X. ORDER OF NAMES ON BALLOTS

This election is required by Charter to be non-partisan. Therefore, qualified independent candidates will appear on the ballot in alphabetical order.

XI. RUNOFF ELECTION

If **no person** receives the most votes in **each of at least 5 of the 9 city council districts** then a runoff election is required. This election must be held on the sixth Tuesday after the November general election. The 2 persons receiving the highest total of votes city wide will be considered nominated for the **runoff election**.

The person in the runoff election who receives the most votes in **each of at least 5 of the 9 city council districts** will be elected mayor. If both candidates in the runoff election win an equal number of council districts, the candidate receiving the most votes city wide will be elected mayor.

XII. THE SUCCESSFUL CANDIDATE

The successful candidate must file, as a condition to assuming office, with the **Clerk of the City Council**, a **second** Statement of Economic Interests as required by §§ 2.2-3115 and 2.2-3116 of the *Code of Virginia* **prior to taking office**, and annually thereafter by January 15 of each year. Forms are prescribed by the Secretary of the Commonwealth and should be available from the Clerk.

The successful candidate in a *general election* is required by law to qualify and take the oath of office on or before the initial meeting of the city council.

Failure to qualify in a timely manner creates a vacancy in the office.

XIII. FREQUENTLY ASKED QUESTIONS

1. Who may circulate a candidate's petitions?

A candidate may circulate his own petitions but is not required to do so. A candidate's petitions may be circulated by any person who is, or who is eligible to be, a qualified voter of the City.

The circulator must affirm before a notary or other person authorized to administer oaths, that he **personally witnessed** the affixing of the signatures. Falsely taking this affidavit is a felony under Virginia law. The circulator can **NEVER** leave the petition unattended, i.e., left on the counter at a grocery store, restaurant, etc.

2. I am circulating a petition for a candidate. May I also sign as a qualified voter the petition that I am circulating?

I am a Notary circulating petitions for a candidate. May I notarize the petition pages I circulate?

NO TO BOTH. The person circulating the petition must swear, under oath, that he **personally witnessed** the affixing of the signatures on the petition and no person can witness his own signature.

XII. FREQUENTLY ASKED QUESTIONS (continued)

3. I am a candidate and a Notary. May I notarize the petition pages circulated by other persons?

NO. § 47.1-30 of the *Code of Virginia* prohibits a notary from performing a notarial act on any document in which the notary or his spouse is a party, **or** in which either of them has a direct beneficial interest.

Any Notary who violates these provisions is considered guilty of official misconduct, may be removed from office and may be subject to other penalties.

4. I work for the federal government. Can I be a candidate?

Pursuant to the federal law commonly known as the Hatch Act, you may be a candidate in a **non-partisan election** or, if you live in the Counties of Arlington, Fairfax, Loudoun, Prince William, Spotsylvania or Stafford or the Cities of Alexandria, Fairfax, Falls Church, Manassas, Manassas Park or Portsmouth, you may be an **independent candidate for local office in a partisan election**. An election is considered partisan if any of the candidates for the office you would seek are nominated by a political party.

To determine whether you might also be affected by the rules and regulations of the agency for which you work, **contact your personnel officer**.

It should also be noted that most employees of the legislative branch of the federal government are not covered by the Hatch Act but may be affected by other rules and regulations.

5. I work for the state or a local government. Can I be a candidate?

Some state and local government employees **are prohibited** from being candidates. You may be so prohibited if your Agency receives federal funds. **Contact the personnel officer where you work**. If necessary, present the facts of your case in writing, including the office you wish to seek, to the **Office of the Special Counsel**, 1730 M Street NW, Suite 300, Washington, D. C. 20036. That office will determine if you are affected by the Hatch Act.

Most state and local government employees are not prohibited by law from being a candidate. However, you may be affected by the rules and regulations of the agency or ordinances of the government for which you work. **Contact your personnel officer**.

6. I do business with my local government. Am I prohibited from holding office on its governing body due to a conflict of interest?

Contact an attorney as to whether the provisions of the State and Local Government Conflict of Interests Act [§§ 2.2-3100 through 2.2-3127 of the *Code of Virginia*] might affect your ability to hold this office.